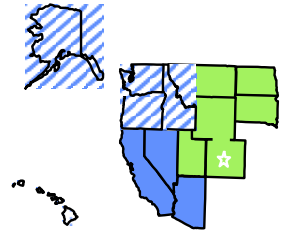




US Army Environmental Center
Western Regional Environmental Office
REGION 10 – MARCH 2003
WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 10 area: Alaska, Idaho, Oregon and Washington. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500, phone (303) 844-0954, fax (303) 844-0951, or email mgedgaud@rma.army.mil

WREO STAFF

Gerald Owens
Regional Chief/DoD REC Region 8
(303) 844-0953
gowens@rma.army.mil

Regional Counsel
(303) 844-0955

Tim Blume
Army REC Region 8
(303) 844-0958
tblume@rma.army.mil

Mark Mahoney
Army REC Region 9
(303) 844-0957
mmahoney@rma.army.mil

Mike Flannery
Army REC Region 10
(including Hawaii & Pacific)
(303) 844-0959
mflanner@rma.army.mil

Project Manager
(303) 844-0952

Environmental Specialist
(303) 844-0954

Administrative Assistant
(303) 844-0950

**Regional Environmental Coordinator (REC)
Contacts**

DoD REC Region 10
Clare Mendelsohn
(415) 977-8849
Clare.Mendelsohn@brooks.af.mil

Army REC Region 10
Mike Flannery
(303) 844-0959
mflanner@rma.army.mil

Navy REC Region 10
Hayden Street
(360) 396-5089
hayden.street@subase.nsb.navy.mil

Air Force REC Region 10
William Chin
(415) 977-8847
William.Chin@brooks.af.mil

DLA REC Region 10
James Phillips
(616) 961-7322 (DSN 932 - 7322)
jphillips@drms.dla.mil

DID YOU KNOW?

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

– On 28 February 2003 (68 FR 9745), EPA adopted emission standards for new marine diesel engines installed on vessels flagged or registered in the United States with displacement at or above 30 liters per cylinder. These standards are equivalent to the internationally negotiated standards for oxides of nitrogen and will be enforceable under U.S. law for new engines built on or after 1 January 2004. EPA also adopted additional standards for new engines with displacement at or above 2.5 liters per cylinder but less than 30 liters per cylinder. These standards, which are currently voluntary, are also equivalent to the internationally negotiated standards for oxides of nitrogen. The standards will apply through 2006. This final rule is effective 29 April 2003. For further information, contact EPA's Office of Transportation and Air Quality, Assessment and Standards Division hotline at (734) 214-4636, or e-mail: asinfo@epa.gov.

NOTICE OF AVAILABILITY – INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS:

1990-2001 – On 7 February 2003 (68 FR 6450), EPA made available for public review a draft "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2001." Annual U.S. emissions from 1990-2001 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide, methane, nitrous oxide, Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emissions. The inventory also includes estimates of carbon sequestration in U.S. forests and an updated assessment of emissions from the electric power industry. Comments are requested by 9 March, but comments received after that date will be considered for the next edition of this report. For further information, contact William Irving, EPA at (202) 565-9065, or e-mail: irving.bill@epa.gov.

NOTICE OF AVAILABILITY – RECENT POSTINGS – On 13 February 2003 (68 FR 7373), EPA published recent postings to the Applicability Determination Index (ADI) Database System of Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program. An electronic copy of each complete document posted on the ADI database system is available through the Office of Enforcement and Compliance Assurance at <http://www.epa.gov/compliance/assistance/applicability>. The document may be located by date, author, subpart, or subject search. For further information, contact Maria Malave, EPA at (202) 564-7027, or e-mail: malave.maria@epa.gov.

WASTE INFORMATION:

FINAL GUIDANCE – COMPLETION OF CORRECTIVE ACTION AT RCRA FACILITIES – On 25 February 2003 (68 FR 8757), EPA published the final the newly issued "Guidance on Completion of Corrective Action Activities at RCRA Facilities" memorandum to regulators and to the regulated community. The guidance does not create a legal requirement. The memorandum provides the EPA Regions, the states, tribes, the regulated community, members of the public, and other stakeholders with guidance on significant issues related to completion of corrective action activities at RCRA facilities. It provides guidance on when each type of completion determination is appropriate. It also discusses

completion determinations for less than an entire facility. Finally, it provides guidance on procedures for EPA and the authorized states to use when making completion determinations. For further information on specific aspects of the guidance document, contact Barbara Foster, EPA at (703-308-7057), or e-mail: foster.barbara@epa.gov.

NOTICE OF AVAILABILITY – PERFORMANCE OF WASTE CONTAINMENT SYSTEMS - EPA has released a study assessing the design, construction, and performance of waste containment systems used at landfills, surface impoundments, and waste piles, and in the remediation of contaminated sites: "Assessment and Recommendations for Improving the Performance of Waste Containment Systems" [EPA/600/R-02/099]. The report evaluates various liner and barrier types. Field performance, and construction issues such as slopes are discussed. EPA is concurrently completing a new technical guidance document titled "Technical Guidance for RCRA/CERCLA Final Covers" (Bonaparte et al., 2002). The reader is referred to this guidance document for more detailed information on final cover systems for landfills and remediation sites. For further information, link: <http://www.epa.gov/ORD/NRMRL/Pubs/600R02099/600R02099.pdf>.

WATER INFORMATION:

EXTENSION OF COMMENT PERIOD – REGULATORY DEFINITION OF “WATERS OF THE UNITED STATES” – On 28 February 2003 (68 FR 9613), EPA extended the public comment period on its joint publication of 15 January 2003 with the Department of the Army on an Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act (CWA) regulatory definition of “Waters of the United States” (68 FR 1991). That ANPRM requested public input on issues associated with the definition of “waters of the United States” in light of the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC). It also solicited information or data from the general public, the scientific community, and federal and state resource agencies on the implications of the SWANCC decision for jurisdictional decisions under the CWA. The input received from the public in response to the ANPRM will be used by the agencies to determine the issues to be addressed and the substantive approach for a future proposed rulemaking addressing the scope of CWA jurisdiction. The Army and EPA sought responses to the ANPRM by 3 March 2003. In response to comments from the public requesting additional time to fully analyze the issues, gather requested information, and prepare comments, EPA has extended the comment period on the ANPRM to 16 April 2003. For further information, contact Donna Downing, EPA at (202) 566-1366, e-mail: CWAwaters@epa.gov, or Ted Rugiel, U.S. Army Corps of Engineers, at (202) 761-4595, e-mail: Thaddeus.J.Rugiel@HQ02USACE.ARMY.MIL.



GENERAL INFORMATION

NOTICE OF AVAILABILITY – BIRDS OF CONSERVATION CONCERN 2002 – On 6 February 2003 (68 FR 6179). The U.S. Fish and Wildlife Service (FWS) posted a document entitled “Birds of Conservation Concern 2002.” The purpose of the document is to identify species, subspecies, and populations of migratory and non-migratory birds in need of additional conservation actions. For further information, contact Brian Millsap, FWS at (703) 358-1714, or link: <http://migratorybirds.fws.gov/reports/BCC2002.pdf>.

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UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

DSMOA TRAINING WORKSHOPS

18-19 March 2003 – Colorado Springs, Colorado

2-3 April 2003 – Palm Springs, California

30 April-1 May 2003 – Seattle, Washington

6-7 May 2003 – Anchorage, Alaska

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

18-20 March 2003 – Las Vegas, Nevada

15-17 April 2003 – Anchorage, Alaska

26-28 August 2003 – Seattle, Washington

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

ARMY ENVIRONMENTAL TRAINING WORKSHOP

23-28 March 2003 – Kansas City, Missouri

The Army Training and Doctrine Command (TRADOC) and the Army Environmental Center (AEC) are sponsoring this workshop, which will consist of numerous environmental short courses and seminars. It is intended to provide: 1) awareness and training in Army environmental programs; 2) preparation for the new installation management business models, such as TIM and EMS; and 3) opportunities for installation staff to obtain program updates and share lessons learned. For more information, contact Susan West, TRADOC at (757) 788-2279, e-mail: wests@Monroe.army.mil, or Susan Thomas, AEC at (410) 436-6899, e-mail: Susan.Thomas@aec.apgea.army.mil.

29th ENVIRONMENTAL AND ENERGY SYMPOSIUM

7-10 April 2003 – Richmond, Virginia

This symposium is sponsored by the National Defense Industrial Association, Environment and Energy Division, in cooperation with the Deputy Under Secretary of Defense for Installations and Environment, the Defense Logistics Agency, EPA and DOE. It will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. For more information, contact Derek Jenks at djenks@ndia.org or link <http://register.ndia.org/interview/register.ndia?~Brochure~3440>.

NATIONAL POLLUTION PREVENTION ROUNDTABLE SPRING CONFERENCE

8-11 April 2003 – Louisville, Kentucky

The Pollution Prevention (P2) Roundtable will bring together pollution prevention practitioners and experts to share the latest in policy, regulatory, and technical information. The meeting will feature special tracks on Environmental Management Systems and P2, international sustainability policy discussions as a

follow-up to the World Summit, and P2's role in addressing global climate change challenges. For more information, link <http://www.p2.org/events/spring2003/>.

WATER RESOURCE MANAGEMENT WORKSHOP

15-16 April, 2003 – Denver, Colorado

The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link <http://www.pnl.gov/femp>.

26TH ANNUAL CONFERENCE ON ANALYSIS OF POLLUTANTS IN THE ENVIRONMENT

29-30 April 2003 – Chicago, Illinois

EPA's Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public. For information on registration, contact Jennifer Maglinao at (703) 461-2137, or e-mail: Jennifer.maglinao@DynCorp.com. For technical questions regarding the conference, contact Marion Kelly by e-mail at kelly.marion@epa.gov.

25TH SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS

4-7 May 2003 – Breckenridge, Colorado

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuels and chemicals production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link http://www.nrel.gov/biotech_symposium.

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING

7-8 May 2003 – San Francisco, California

28-29 May 2003 – Seattle, Washington

16-17 July 2003 - San Diego, California (tentative)

EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McKnissey at (206) 553-1616, or e-mail: mcknissey.kaye@epa.gov.

INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP

12-15 May 2003 – San Antonio, Texas

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

9TH NATIONAL CLEAN CITIES CONFERENCE

18-21 May 2003 – Palm Springs, California

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link http://www.ccities.doe.gov/conference/palm/palm_home.shtml.

REAL WORLD CLEAN AIR SYMPOSIUM

19-22 May 2003 – Seattle, Washington

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and

Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail mkubal@anteon.com, or link <http://www.usasymposium.com>.

11th ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM

19-22 May – Sparks, Nevada

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP

20-21 May 2003 – Indianapolis, Indiana

22-23 July 2003 – Washington, DC

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

FEDERAL ENERGY DECISION SYSTEM WORKSHOPS

21-23 May 2003 – Anchorage, Alaska

The Federal Energy Management Program is presenting two courses on the Federal Energy Decision System (FEDS). The Introduction to FEDS will be on 21 May, followed by a two-day advanced course. Participants will learn the features and capabilities of the FEDS 5.0 software and use it to quickly and objectively identify energy improvements for maximum cost-effective savings in accordance with life-cycle-costing methodology. For more information or to register, link <http://www.pnl.gov/femp>.

2003 ARMY CWA/SDWA WORKSHOP

2-5 June 2003 – Albuquerque, New Mexico

The Army is sponsoring this water issues workshop for Army environmental personnel to increase the understanding of the requirements and challenges of CWA and SDWA management at all levels of Army organization. The workshop will include presentations relevant to installation environmental concerns such as DoD perspective and insight, technical and regulatory updates, lessons learned at installations, and panel discussions. The final agenda is being developed. For more information, contact Kristin MacAulay at (937) 384-4242, e-mail: Kristin.MacAulay@westonsolutions.com, or link: <http://dm.westonproject.net/wiw/>.

AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION

22-26 June 2003 – San Diego, California

AWMA will be presenting its 96th annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

8TH ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE

11-14 August 2003 – San Antonio, Texas

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship." A call for abstracts has been issued, with a closing date of 5 March 2003. For more information, link: <http://www.p2-hwmconference.com>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ALASKA

Regulatory Developments & Other State Information

No significant regulatory activities to report.

Legislative Developments:

The 2003 legislative session convened 21 January. For current information on the legislative session, link <http://www.legis.state.ak.us/>.

ALASKA HB 81 – INSPECTION AND MAINTENANCE PROGRAMS - States that as a part of a motor vehicle pollution control program, the Department of Environmental Conservation or a municipality that enforces a motor vehicle pollution control program may determine if a vehicle is properly registered as required by law. States that a person who fails to display an emissions inspection decal as required by law shall be fined \$500. Introduced and referred to House Transportation Committee 7 February 2003. The sponsor is Representative Kevin Meyer (R).

ALASKA SB 9 – CLEANUP - Creates regulations relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored. Effective immediately. Introduced and referred to Senate State Affairs Committee 21 January 2003. Amended and reported from Committee 11 February. Referred to Senate Judiciary Committee 12 February. The sponsor is Representative Gretchen Guess (D).



IDAHO

AIR INFORMATION:

PROPOSED REGULATION – REVISION OF PERMIT PROGRAM AND ADOPTION OF FEDERAL AIR TOXICS REGULATIONS – The Idaho Department of Environmental Quality (DEQ) has approved amendments to clarify and streamline its air quality permitting process and adopt federal air toxics regulations published through 1 July 2002. The amendments will: (1) adopt federal air toxics standards, including the MACT hammer; (2) prohibit the release of toxic air pollutants in amounts that injure human health or the environment; (3) remove the recently adopted grain-loading standard based on particulate matter concentration limits and restore process weight rate standard; (4) clarify time frames for filing appeals; and (5) allow DEQ to issue Tier II permits with terms and conditions that do not expire in five years. The amendments will become final effective upon adjournment of the 2003 legislative session if not disapproved by the Idaho Legislature. For more information, contact Phyllis Heitman at (208) 373-

0502, or link http://www.deq.state.id.us/rules/58-0101-0202_pending.htm.

PROPOSED REGULATION – TITLE V PERMIT FEES – The Idaho DEQ has approved amendments to its Title V permit fee rates. Fees are increasing because the current program is not self-sufficient as required by federal law. The amendments include: (1) a fee increase to fund the Title V program; (2) a change in the dates for submission of registration information and fee payments to better match the state's fiscal year cycles; (3) removal of provisions imposing radionuclide emissions registration and fee requirements on the U.S. Department of Energy facilities; and (4) language stating when and if deferred sources are required to submit a Tier 1 permit application, DEQ will reconsider the registration and fee requirements to determine whether an alternative basis to regulate those types of sources should be developed. The amendments will become final effective upon adjournment of the 2003 legislative session if not disapproved by the Idaho Legislature. For more information, contact Phyllis Heitman at (208) 373-0502, or link http://www.deq.state.id.us/rules/58-0101-0203_pending.htm.

WASTE INFORMATION:

PROPOSED REGULATION – ADOPTION OF FEDERAL HAZARDOUS REGULATIONS – The Idaho DEQ has approved the adoption of federal hazardous waste rules published between 1 July 2001 and 1 July 2002. The rules include: (1) corrections to the Hazardous Waste Identification Rule; (2) inorganic chemical manufacturing wastes identification and listing; (3) corrective action management unit amendments; (4) interim hazardous air pollutant standards for combustors; and (5) vacatur of mineral processing spent materials being reclaimed as solid waste. The amendments will become final effective upon adjournment of the 2003 legislative session if not disapproved by the Idaho Legislature. For more information, contact John Brueck at (208) 373-0458, or link http://www.deq.state.id.us/rules/58-0105-0201_pending.htm.

WATER INFORMATION:

PROPOSED REGULATION – PUBLIC WASTEWATER TREATMENT FACILITIES – The Idaho DEQ has approved amendments to its regulations regarding the public wastewater operator certification program. The rules will provide consistency and standardization in nine areas: (1) definition of a public wastewater facility to identify facilities affected by rule; (2) a classification system for operators and wastewater collection systems and wastewater treatment facilities; (3) operator qualifications; (4) certification renewal; (5) ongoing professional growth requirements; (6) re-certification; (7) enforcement provisions for noncompliance; (8) resources needed to implement the new rules; and (9) ongoing stakeholder involvement. The rules will allow reasonable fees to be charged for application, examination and annual renewals. The fees will be used to help fund the ongoing costs of administering the wastewater certification program. The amendments will become final effective upon adjournment of the 2003 legislative session if not disapproved by the Idaho Legislature. For more information, contact Nancy Bowser at (208) 373-0502, or link http://www.deq.state.id.us/rules/58-0102-0201_pending.htm.

Legislative Developments

The 2003 legislative session convened 6 January. For current information on the 2003 session, link <http://www2.state.id.us/legislat/>.

IDAHO HB 118 – RECYCLING (USED OIL) - Allows a 5% purchasing preference for recycled oil products. Introduced 24 January 2003. Failed in House 10 February. The sponsor is Representative Tom Trail (R).

IDAHO HB 198 – WASTE - Amends and adds to existing law to govern the storage and disposal of waste tires through issuance of permits by cities and counties. States requirements for financial responsibility. States penalties for violations. Introduced 7 February 2003. Referred to House Environmental Affairs Committee 10 February. Reported from Committee 13 February. The sponsor is the House Environmental Affairs Committee.

IDAHO HB 212 – EXOTIC NUISANCE SPECIES - Creates the Idaho Invasive Species Council to foster coordinated approaches that support local initiatives against invasive species. Requires an invasive species strategic plan to be completed by 1 January 2004. Introduced 10 February 2003. The sponsor is the House Resources and Conservation Committee.

IDAHO HCR 15 – AIR QUALITY - Rejects certain rules of the Department of Environmental Quality relating to the control of air pollution in Idaho. Prevents the agency rules from going into effect. Introduced and referred to House Environmental Affairs Committee 11 February 2003. The sponsor is the House Environmental Affairs Committee.

IDAHO HCR 16 – SEWAGE - Rejects certain rules of the Department of Environmental Quality relating to individual/subsurface sewage disposal. Prevents the agency rules from going into effect. Introduced and referred to House Environmental Affairs Committee 11 February 2003. Reported from Committee 13 February. The sponsor is the House Environmental Affairs Committee.

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OREGON

Regulatory Developments & Other State Information

No significant regulatory activity to report.

Legislative Developments

The 2003 legislative session convened 13 January. For current information on the legislative session, link <http://www.leg.state.or.us>.

OREGON HB 2036 – SCRAP TIRES - Establishes Waste Tire Recycling Board. Specifies membership and duties. Directs Governor to appoint five members to board. Establishes waste tire recycling goals. Introduced and referred to House Environment and Land Use Committee 14 January 2003. The sponsor is Representative Jeff Kropf (R).

OREGON HB 2037 – SCRAP TIRES - Establishes statewide recycling and recovery goal for waste tires. Modifies purposes for which Waste Tire Recycling Account may be used. Directs Environmental Quality Commission to increase per-ton fee if statewide goal for waste tires is not met. The sponsor is Representative Jeff Kropf (R).

OREGON HB 2204 – WATER QUALITY - Revises intent of Legislative Assembly regarding state recycling programs. Authorizes Oregon Department of Administrative Services to contract as necessary for recycling of products collected for recycling by state government. Deletes requirement for separate recycling plan for Legislative Assembly. Deletes provisions concerning use of revenues or savings realized from recycling programs. Introduced 14 January 2003. Referred to House Judiciary Committee 22 January. Hearing held 12 February. The sponsor is Representative Theodore Kulongoski (D).

OREGON HB 2248 – UNDERGROUND STORAGE TANKS - Imposes examination fee for licensing in professions involving liquid petroleum gas. Changes fees for liquid petroleum gas installation license. Increases fees for liquid petroleum gas dealer storage tank inspections and liquid petroleum gas

container or receptacle installations or changes. Introduced 14 January 2003. Work session held 14 February. The sponsor is Representative Theodore Kulongoski (D).

OREGON HB 2458 – ENDANGERED SPECIES - Directs State Fish and Wildlife Commission to remove species from list of threatened species or endangered species when species is removed from federal Endangered Species Act. Introduced 28 January 2003. The sponsor is Representative Bob Jenson (D).

OREGON HB 2466 – HAZARDOUS MATERIALS - Changes basis by which employers pay hazardous substance fees under Community Right to Know and Protection Act. Specifies that employers required to return hazardous substance survey to State Fire Marshal pay annual fee. Directs State Fire Marshal to assess fee based on amount of hazardous substances reported on survey. Allows local government to assess hazardous substance fee to fund hazardous substance planning activities. Introduced 28 January 2003. The sponsor is Representative Tom Butler (R).

OREGON HB 2468 – ENDANGERED SPECIES - Prohibits State Fish and Wildlife Commission from listing threatened and endangered species that are listed under federal law. Introduced 28 January 2003. Referred to House Environment and Land Use Committee 31 January. Hearing held 13 February. The sponsor is Representative Bob Jenson (R).

OREGON HB 2513 – WATER QUALITY - Requires the Department of Agriculture to review the water quality management plan and rules two years after adoption of plan and rules to determine the effectiveness of the plan and to determine whether operational difficulties exist. Prohibits the Department from imposing a civil penalty for noncompliance before completion of the two-year review. Effective immediately. Introduced and referred to House Water Committee 5 February 2003. The sponsor is Representative Jeff Kruse (R).

OREGON HB 2533 – HAZARDOUS MATERIALS - Exempts persons not required to file toxics use reduction and hazardous waste reduction plan from payment of fee for possession of hazardous substances. Effective immediately. Introduced and referred to House Environment and Land Use Committee 3 February 2003. Hearing held 13 February. The sponsor is Representative Thomas Butler (R).

OREGON SB 196 – HAZARDOUS WASTE - Establishes Hazardous Waste Technical Assistance Fund. Specifies that certain penalties collected by DEQ be deposited into fund. Directs fund to be used for technical assistance and information program. Requires generators of hazardous waste to pay one-time processing fee for obtaining EPA identification number. Directs DEQ to enter into negotiations with EPA for purpose of gaining acceptance of technical assistance services as part of authorized program. Sets annual fee for hazardous waste generators based on metric tons of waste generated. Introduced 15 January 2003. The sponsor is Senator Peter Courtney (D).

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WASHINGTON

Regulatory Developments & Other State Information

FINAL REGULATION – NOXIOUS WEED LIST – The Washington Department of Agriculture has updated the state noxious weed list. The updates include: (1) add dense-flower cordgrass (*Spartina densiflora*) and kudzu (*Pueraria montana* var. *lobata*) to the "A" List; (2) add Himalayan knotweed (*Polygonum polystachyum*) to the "B" List; (3) add myrtle spurge (*Euphorbia myrsinites* L.), common groundsel (*Senecio vulgaris*), and nonnative types of the common reed (*Phragmites australis*) to the "C" List; (4) change the control area for Japanese knotweed (*Polygonum cuspidatum*) and meadow knapweed (*Centaurea jacea* x *nigra*); and (5) move saltcedar (*Tamarix ramosissima*) from the "A" List to the "B" List. The Department does this on an annual basis to ensure it accurately reflects noxious weed control priorities and noxious weed distribution. The updates were effective 22 February 2003. For more information, contact Steve McGonigal at (360) 902-2053, or link: <http://slc.leg.wa.gov/wsr/2003/04/03-04-001.htm>.

Legislative Developments

The 2003 legislative session convened 14 January. For current information on the legislative session, link <http://www.leg.wa.gov/wsladm>.

WASHINGTON HB 1007 – PERMITTING - Establishes a Permitting Bill of Rights. Finds that citizens of Washington have the following rights when asking for a permit, license, or permission to engage in a lawful activity: (1) right to a specific date in time for a yes or no decision on permits; (2) right to a defined amount of information required to award permit by permitting authority before any application for permits can be accepted; (3) right to know the exact maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant; and (4) right to recover all costs and time lost in permitting processes from permitting authorities for transgressions or violations or abuse of authority in the rights set forth in this act, through civil process. Introduced and referred to House State Government Committee 13 January 2003. The sponsor is Representative Jeff Morris (D).

WASHINGTON HB 1017 – TRANSPORTATION - Requires gravel trucks to be covered. Effective immediately. Introduced and referred to House Transportation Committee 13 January 2003. The sponsor is Representative Toby Nixon (R).

WASHINGTON HB 1097 – WATER USE - Declares intent to authorize the Department of Ecology to create a pilot rule allowing water banking to facilitate the reallocation of water and reduce water transfer transaction costs. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 16 January 2003. Hearing held 4 February. The sponsor is Representative Kelli Linville (D).

WASHINGTON HB 1102 – LAND USE - States that the Department of Natural Resources may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations to convey properties under the jurisdiction of the Department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity. Effective 1 July 2003. Introduced and referred to House Transportation Committee 16 January 2003. The sponsor is Representative Edward Murray (D).

WASHINGTON HB 1376 – WATER CONSERVATION - States that any person, municipal corporation, firm, irrigation district, association, corporation, or water users' association desiring to appropriate water

for a beneficial use shall make an application to the Department of Ecology for a permit to make such appropriation, and shall not use or divert such waters until a permit from the Department has been received. The construction of any ditch, canal, or works, or performing any work in connection with said construction or appropriation, or the use of any waters, shall not be an appropriation of such water nor an act for the purpose of appropriating water unless a permit to make said appropriation has first been granted by the Department. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 23 January 2004. The sponsor is Representative Sandra Romero (D).

WASHINGTON HB 1409 – HAZARDOUS MATERIALS – Establishes a class 1 civil infraction for a person to discard potentially dangerous litter in any amount. Potentially dangerous litter is defined as litter that is likely to injure a person or cause damage to a vehicle or other property. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology and Parks Committee 23 January 2003. Referred to House Rules Committee 17 February. The sponsor is Representative Dave Upthegrove (D).

WASHINGTON HB 1467 – LOW EMISSION VEHICLES - Provides a sales and use tax reduction for the purchase of hybrid and fuel cell vehicles. Effective 1 July 2003. Introduced and referred to House Transportation Committee 28 January 2003. Hearing held 10 February. The sponsor is Representative Doug Ericksen (R).

WASHINGTON HB 1513 – REMEDIATION - Requires an owner of contaminated property who desires to have the property decontaminated to use the services of an authorized contractor unless otherwise authorized by the local health officer. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 28 January 2003. The sponsor is Representative Jeannie Darneille (D).

WASHINGTON HB 1534 – WATER QUALITY - States that the Department of Ecology, with the assistance of the Attorney General, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of chapter 90.48.037 RCW. However, the Department must rely solely on its authority granted under law to condition, limit, regulate, or control any claim, permit, or certificate to withdraw or divert water. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. Reported from Committee 28 February. The sponsor is Representative Cary Condotta (R).

WASHINGTON HB 1536 – WATER USE - Declares that the annual consumptive quantity of a water right may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (1) the reduced use is due to cropping patterns or system efficiencies; (2) the water right holder intends to fully exercise the right; and (3) the water right holder has the ability to make beneficial use of the full right. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. Passed to Rules Committee for second reading 4 March. The sponsor is Representative Janea Holmquist (R).

WASHINGTON HB 1537 – WATER USE - Creates procedures for relinquishing water rights. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. The sponsor is Representative Bruce Chandler (R).

WASHINGTON HB 1543 – WATER USE - Creates the Washington Water Commission, which will supervise the public waters within the state, supervise construction and inspection of all water works, determine discharges of streams, springs, and other sources of water supply, and provide assistance to applicants for water rights. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 28 January 2003. The sponsor is Representative Janea Holmquist (R).

WASHINGTON HB 1688 – VOLUNTARY REMEDIATION - Eliminates the expiration dates on tax benefits for environmental remedial action. Effective 1 July 2003. Introduced and referred to House Finance Committee 3 February 2003. The sponsor is Representative Dan Roach (R).

WASHINGTON HB 1689 – WATER USE - Establishes criteria for development of municipal separate storm sewer system permits. Effective 1 July 2003. Introduced 3 February 2003. The sponsor is Representative Kelli Linville (D).

WASHINGTON HB 1705 – RECYCLING - Levies a one dollar per tire fee on the retail sale of new replacement vehicle tires. Effective 1 July 2003. Introduced 4 February 2003. Referred to House Fisheries, Ecology, and Parks Committee 5 February. The sponsor is Representative Geoff Simpson (D).

WASHINGTON HB 1743 – HAZARDOUS WASTE - Determines that the Department of Ecology, in consultation with representatives of the waste management industry, business, local government, environmental groups, and other interested parties, shall take the following actions: (1) by 1 July 2004, adopt amended rules governing the financial assurance, pollution liability, and closure plans at facilities, including recyclers and used oil processors, to assure that adequate funds will be available to pay for safe and orderly cleanup and/or closure at those facilities; (2) by 1 July 2004, adopt a rule to establish a system for authorizing recycling and used oil processing operations that are not currently subject to hazardous waste permits; and (3) by 30 September 2003, submit recommendations to the Legislature for the 2004 legislative session, addressing a fee-based system to provide adequate funding for the Department's permitting, compliance, and assistance programs for hazardous waste facilities, including recyclers and used oil processors. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 5 February 2003. The sponsor is Representative Jeff Cooper (D).

WASHINGTON HB 1818 – LOW EMISSION VEHICLES - Allows low-emission vehicles to use HOV lanes at all hours. Effective 1 July 2003. Introduced and referred to House Transportation Committee 10 February 2003. The sponsor is Representative Laura Ruderman (D).

WASHINGTON HB 1876 – WATER QUALITY - Requires major construction projects involving the use of large quantities of fill material to use a leaching test to determine chemical suitability of potential fill material and to ensure that the fill material does not pose a threat to water quality. Effective 1 July 2003. Introduced and referred to House Agriculture and Natural Resources Committee 11 February 2003. The sponsor is Representative Kelli Linville (D).

WASHINGTON HB 1942 – ELECTRONIC WASTE - Declares that, except as provided in this bill, every manufacturer must develop, submit to the Department of Ecology, implement, and finance the implementation of a plan for the collection and the recycling or reuse of sixty-five percent, by weight, of all electronic waste from its own products each year. Requires the plan to provide and promote convenient, strategically located fixed collection sites to serve urban and rural populations throughout the state. Effective 1 July 2003. Introduced and referred to House Fisheries, Ecology, and Parks Committee 17 February 2003. The sponsor is Representative Jeff Cooper (D).

WASHINGTON SB 5028 – WATER QUALITY - Clarifies the state's authority to regulate water pollution. Introduced and referred to Senate Natural Resources, Energy and Water Committee 13 January 2003. Reported from Committee and referred to House Rules Committee 6 February. The sponsor is Senator Bob Morton (R).

WASHINGTON SB 5087 – WATER USE - Creates the Washington Water Commission, which will supervise the public waters within the state, supervise construction and inspection of all water works, determine discharges of streams, springs, and other sources of water supply, and provide assistance to applicants for water rights. Effective 1 July 2003. Introduced and referred to the Senate Natural Resources, Energy, and Water Committee, 15 January 2003. The sponsor is Senator Jim Honeyford (R).

WASHINGTON SB 5106 – WATER USE - Declares that the annual consumptive quantity of a water right may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (1) the reduced use is due to cropping patterns or system efficiencies; (2) the water right holder intends to fully exercise the right; and (3) the water right holder has the ability to make beneficial use of the full right. Effective 1 July 2003. Introduced and referred

to Senate Natural Resources, Energy, and Water Committee 15 January 2003. Reported from Committee and referred to Senate Rules Committee 17 February. The sponsor is Senator Mike Hewitt (R).

WASHINGTON SB 5145 – GROUNDWATER - States that no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the Department of Ecology and a permit has been granted. Makes an exception for instances in which withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for residential use in an amount not exceeding 5,000 gallons a day, or for an industrial purpose in an amount not exceeding 5,000 gallons a day. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 15 January 2003. The sponsor is Senator Joyce Mulliken (R).

WASHINGTON SB 5285 – WATER USE - States that the Department of Ecology shall prepare and distribute technical and educational information to assist water users in complying with the requirements of their water rights and applicable water laws. When the department determines that a violation has occurred or is about to occur, it shall first attempt to achieve voluntary compliance by informing and educating the responsible person or persons regarding the law, specifying the reason that the action or incipient action is not allowed under the law, and listing the potential penalties and sanctions that may be brought if compliance is not achieved. As part of this first response, the Department shall offer technical information and assistance to the person in identifying alternative means to accomplish the person's purposes within the framework of the law; and if education and technical assistance do not achieve compliance, the Department shall issue a notice of violation, a formal administrative order, or assess penalties unless the noncompliance is corrected. Effective 1 July 2003. Introduced 20 January 2003. Referred to Senate Natural Resources, Energy and Water Committee 21 January. The sponsor is Senator Karen Fraser (D).

WASHINGTON SB 5287 – WATER USE - States that the state recognizes and seeks to integrate the interests encompassed by federal reserved rights, rights secured to Indian tribes under federal treaties, and applicable requirements of federal law. Effective 1 July 2003. Introduced 20 January 2003. Referred to Senate Natural Resources, Energy, and Water Committee 21 January. The sponsor is Senator Karen Fraser (D).

WASHINGTON SB 5334 – WATER USE - States that the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location. Allows the holder to change the manner or the place of use of the water. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 21 January 2003. Hearing held 30 January 2003. The sponsor is Senator Jim Honeyford (R).

WASHINGTON SB 5345 – WATER - States that a dam or other obstruction across or in a stream shall include a durable and efficient fishway approved by the Director of the Department of Fish and Wildlife. Requires the fishway to be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish. States that this does not apply to installed drainage infrastructure including dikes, drains, tide gates, pumps, drainage tiles, and drainage pipe existing as of the effective date of this bill, nor to the repair, improvement, or replacement of such infrastructure, if that infrastructure protects land used for agricultural, residential, industrial, commercial, recreational, transportation, parking facilities, or other legal uses. Effective 1 July 2003. Introduced and referred to Senate Parks, Fish, and Wildlife Committee 21 January 2003. The sponsor is Senator Mary Margaret Haugen (D).

WASHINGTON SB 5386 – LOW EMISSION VEHICLES - Requires the Department of Motor Vehicles to issue optional permits at the request of owners of inherently low-emission vehicles. States that the permit will allow the operator of the vehicle the use of High Occupancy Vehicle lanes regardless of the number of occupants. Effective 1 July 2003. Introduced and referred to Senate Highways and Transportation Committee 22 January 2003. The sponsor is Senator Paul Shin (D).

WASHINGTON SB 5469 – LOW EMISSION VEHICLES- States that an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency take a tax credit for the purchase, or the lease for a period of at least three years, of new clean alternative fuel vehicles, if the vehicles are exclusively used in business operations. Effective 1 July 2003. and referred to Senate Highways and Transportation Committee 24 January 2003. The sponsor is Senator Bill Finkbeiner (R).

WASHINGTON SB 5534 – AIR QUALITY - Provides that no motor vehicle may discharge visible smoke for more than ten seconds. States that the Act does not apply to vehicles 25 or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 28 January 2003. The sponsor is Senator Karen Keiser (D).

WASHINGTON SB 5594 – HAZARDOUS WASTE - Declares that the management, regulation, and oversight of wastes at hazardous waste management facilities, including recyclers and used oil processors, is essential to prevent adverse effects on the environment and the economy and to protect public health and safety. Directs the Department of Ecology to manage the process. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 30 January 2003. Hearing held 12 February. The sponsor is Senator Bob Morton (R).

WASHINGTON SB 5691 – WETLANDS - Requires the Department of Ecology to review wetlands compensatory mitigation projects and evaluate the adequacy of hydrological information presented by a project proponent to determine the likelihood of success of the project. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 5 February 2003. The sponsor is Senator Debbie Regala (D).

WASHINGTON SB 5698 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Provides that any citizen may commence a civil action on his or her own behalf against any person who is alleged to have violated an environmental or public health standard or requirement, or an order issued by a governmental agency with respect to such a standard or requirement, if there is evidence of more than one day or instance of violation. Authorizes the court, upon finding violation of an environmental or public health standard or requirement, to assess a civil penalty against the violator in an amount not to exceed \$10,000 per violation per day of violation unless justice so requires. Effective 1 July 2003. Introduced and referred to Senate Judiciary Committee 5 February 2003. The sponsor is Senator Adam Kline (D).

WASHINGTON SB 5776 – LAND USE - Reforms the process of appeal and review of certain permit decisions made by state agencies for certain qualifying projects. Establishes uniform, expedited, and consolidated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review. Effective 1 July 2003. Introduced and referred to Senate Land Use and Planning Committee 10 February 2003. The sponsor is Senator Mark Doumit (D).

WASHINGTON SB 5787 – WATER QUALITY - Requires major construction projects involving the use of large quantities of fill material to use a leaching test to determine chemical suitability of potential fill material and to ensure that the fill material does not pose a threat to water quality, Effective 1 July 2003. Introduced and referred to Senate Natural Resources and Energy Committee 11 February 2003. The sponsor is Senator Bob Morton (R).

WASHINGTON SB 5867 – VOLUNTARY REMEDIATION - Exempts any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development from sales tax. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 14 February 2003. Amended, reported from Committee and referred to Senate Ways and Means Committee 28 February. The sponsor is Senator Dan Swecker (R).

WASHINGTON SB 5884 – AIR QUALITY - Requires the Department of Ecology to develop a planned strategy to address toxic air pollutant emissions based on their relative risk to public health. The toxic air pollutant emission strategy must: (1) Identify the most significant toxic air pollutants being released in Washington; (2) Include an evaluation, based on existing scientific information, of the risks associated with the identified toxic air pollutants; (3) Evaluate the relative public health risk posed by the toxic air pollutants; and (4) Prioritize the toxic air pollutants by the relative risk. Requires the Department to establish a ten-year schedule to adopt emission reduction standards that significantly reduce emissions for the top ten toxic air pollutants. Effective 1 July 2003. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 14 February 2003. The sponsor is Senator Karen Keiser (D).

WASHINGTON SJR 8002 – FORESTRY ISSUES - Requests forest health-related management activities on all state and national forests in Washington state. Requests that there be aggressive, immediate, and continued forest health-related management activities on all forestland and on all Washington national forests. Aggressive forest management will enhance and protect the health of federal, state, and private forestlands. States that such efforts will reduce the effects of catastrophic wildfire that threaten all forest values, including wildlife, water quality, and recreation opportunities. States that aggressive management will protect communities within and surrounding the forests. Makes a distinction between insects and disease and clarifies fire issues. Effective immediately. Introduced and referred to Senate Natural Resources, Energy, and Water Committee 15 January 2003. Amended and reported from Committee 29 January. Referred to Senate Rules Committee 30 January. The sponsor is Senator Bob Morton (R).

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